

HSCA Advisory Committee (HAC)
DNREC's New Castle Field Office
391 Lukens Drive
New Castle, Delaware
Sept. 4, 2014*
Meeting Minutes

Attendees:

Bill Baldwin, Action Environmental
Marianne Cignaglia, DeLEASI
Angelo Fatiga, Pennoni
Kathy Fox, EA Engineering
Clay Greer, Ten Bears
Ken and Joanne Haynes, Possum Point/SRAP
Deb Heffernan, State Representative
David Kane, TetraTech
Kierston Koory, Lewis Environmental
Mark Lannan, BrightFields
Dotty LeCates, Possum Point/SRAP
Nora Lober, Pennoni
Mike Panhuise, Duffield
Doug Seavey, Landmark/JCM
Bill Stephens, STEPHENS Environmental
Kathy Stiller, BrightFields
Bill Smith, Environmental Alliance
Jason Wardrup, UD-CEEP
Chris Whallon, Duffield

DNREC

Marj Crofts
Greg DeCowsky
Kate Durant
Jill Hall
Stephen Johnson
Todd Keyser
Melissa Leckie
Tiffany Neumann
Robert Newsome
Jim Poling
Morgan Price
Tim Ratsep
Alex Rittberg
Qazi Salahuddin
Paul Will
Christina Wirtz

DOJ

Keith Brady

Presenters:

Chris Thomas and Stephanie Branche, EPA
Dr. Sue Barton, UD Cooperative Extension

*Note information regarding the Sept. 4 meeting is available online at:
<http://www.awm.delaware.gov/BAC/Pages/BACMeetings.aspx>

Introductions and Opening Remarks – Tim Ratsep welcomed members.

Approval of June 5 Meeting Minutes – The meeting minutes were unanimously approved.

DNREC News – Marj Crofts reviewed the following DNREC items:

- The new HSCA, UST, AST, and ARP bills have not been signed by the Governor yet, however, a bill signing event is being planned. The WSFS Branmar location was suggested for the event.
- No major changes to HSCA statute or regulations planned for next year. Minor changes will be public-noticed with workshops to be scheduled in Dec. or Jan. 2015. Dates will be emailed to the HAC once determined.

- Budget: \$3 million withdrawn from HSCA Fund and reassigned to the bond bill; as a result, Brownfields grant funding will be reduced by \$500,000 to \$4.5 million/year for the next 3 years, and the \$1 million set-aside for groundwater will be reduced to \$500,000.

Updates for SIRS: Qazi Salahuddin, Tim Ratsep, Paul Will, Todd Keyser and Melissa Leckie:

- Todd Keyser provided info on different methodology for lab analysis of PCBs. No longer recommending EPA Method 8082; now Method 680. Also, in future will recommend Method 1668 for sediments. Will send new policy to HSCA Regulatory Subcommittee.
- Paul Will: the new Subtitle C funds from the EPA will be \$90,000 - \$100,000.
- Qazi Salahuddin: guidance document changes will be finalized soon. VCP applications will be changed to look more like the Conceptual Site Model (CSM) fillable form.
- **Also per Qazi, as of Sept. 1, 2014, all new sites must use the new screening values, which are derived from the EPA's Regional Screening Levels (RSLs). The EPA updates their values every 6 months; this time there were significant changes.**

Updates for TMS: Alex Rittberg reviewed new items for TMS:

- New contract for heating fuel USTs that are less than 1,100 gallons in size (unregulated). Requires use of a state contractor; \$5,000 will be allocated per site. RFP is out already with plans to have a contractor in place by the end of Oct. If deemed eligible for the Heating Fuel Program, UST removal and/or closure in place, soil sampling, laboratory analysis, and pre-approved limited over-excavation (if required) will be performed by the DNREC using state contracts. However, the grant funds will not cover the cost of the new replacement USTs, aboveground storage tanks (ASTs), or other heating sources (i.e., propane, natural gas, etc.). For more information, please visit: <http://www.dnrec.delaware.gov/tanks/Pages/default.aspx>
- New UST/AST Regulations – workshops planned for Nov. and Dec. 2014.

Brownfield Subcommittee Report Outs:

Outreach and Education Subcommittee – Robert Newsome (Chair)

Walt Bryan, Marianne Cinaglia, Greg DeCowsky, Kate Durant, Guy Kramer, Melissa Leckie, Nora Lober, Betsy Rogers, Bill Stephens, Pat Todd, Mike Vanderslice and Chris Whallon.

- Robert Newsome discussed the new outreach strategy with focus on lower Delaware. Bill Stephens suggested a frontline approach with perhaps surveyors receiving an hour of training on Brownfields. Marianne Cignaglia suggested marketing to civic associations. Marj said we could provide the Delaware Brownfields video completed by the EPA for SIRS for civic association presentations.
- Jim Poling and Christina Wirtz provided Brownfields outreach on Sept. 23 at the League of Local Governments' Annual Conference.

EPA Presentations:

- Comfort Letters and Applicability - Chris Thomas, EPA
- EPA Brownfields Grant Program - Stephanie Branche, EPA

Please see links to the EPA's PowerPoint presentations at:

<http://www.awm.delaware.gov/BAC/Pages/BACMeetings.aspx>

Brownfield Subcommittee Report Outs Continued:

Brownfields Finance Subcommittee – Jim Poling (Chair)

Stephanie Hansen, Dave Kane, Thomas Kovach, Mark Lannan, Melissa Leckie, Jim Poling, Tim Ratsep, Bill Smith and Chris Whallon.

- Discussion included changes to BDA by technical staff to better reflect how work is currently being done. Jim requested comments on the BDA by end of September.
- Also, discussion on carry-over of tenant activities on Brownfields sites. Currently, all operations must cease before the Brownfields developer takes title. However, concerns were expressed that this may prevent the owner from benefiting from Brownfields development. Currently, horizontal construction (parking lots, utilities, etc. with a HASP in place) is allowed at the Proposed Plan stage, at the developer's risk; and vertical construction is allowed at the Final Plan stage.

Regulatory Subcommittee (changes to Chapters 74, 74A, 79 & 91) – Alex Rittberg/Tim Ratsep (Contacts), Todd Coomes, Clay Greer, Stephanie Hansen, Todd Keyser, Mark Lannan, Melissa Leckie, Lynn Poling, Jim Poling, Qazi Salahuddin, Doug Seavey, Bill Smith, Lori Spagnolo, Bill Stephens and Chris Whallon.

- Bills pending Governor's signature - no further discussion due to time constraints.

New Business - Greg DeCowsky briefly discussed plans for the new **Ecological Revitalization and Green Remediation Subcommittee**. Greg requested that anyone interested in participating on the subcommittee please send an email to him or Christina Wirtz.

Delaware Cooperative Extension (UD) Horticulture Specialist Presentation

Dr. Sue Barton: Sustainable Landscaping Practices – please see link to presentation at:
<http://www.awm.delaware.gov/BAC/Pages/BACMeetings.aspx>

Next Meeting – The next meeting will be held Dec. 4, 2014 from 9:00-12:30 at the Lukens Drive Field Office, 391 Lukens Drive, New Castle, DE 19720.